

26

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **67-5-30** is enacted to read:

29 **67-5-30. Rulemaking authority regarding the procurement of outside counsel,**

30 **expert witnesses, and other litigation support services.**

31 (1) The attorney general's office shall ~~§→~~, **on or before August 1, 2012,** ~~←§~~ **make rules to**

31a **establish public disclosure,**

32 **transparency, accountability, and reporting in relation to the procurement of outside**

33 **counsel, expert witnesses, and other litigation support services.**

34 (2) The rules described in Subsection (1) shall:

35 (a) **ensure that a procurement for outside counsel is supported by a determination by**

36 **the attorney general that the procurement is in the best interests of the state, in light of available**

37 **resources of the attorney general's office;**

38 (b) **provide for the fair and equitable treatment of all potential providers of outside**

39 **counsel, expert witnesses, and other litigation support services;**

40 ~~§→~~ **[(c) ensure a competitive process, to the greatest extent possible** ~~§→~~ **as required by Title**

40a **63G, Chapter 6, Utah Procurement Code** ~~←§~~, **for the procurement of**

41 **outside counsel, expert witnesses, and other litigation support services;** ~~←§~~

42 (d) **provide for oversight and control, by the attorney general's office, in relation to**

43 **outside counsel hired under a contingency fee arrangement;**

44 (e) **establish for transparency regarding the procurement of outside counsel, expert**

45 **witnesses, and other litigation support services, subject to:**

46 (i) **Title 63G, Chapter 2, Governmental Records Access and Management Act; and**

47 (ii) **other applicable provisions of** ~~§→~~ **[the Utah Code] law and the Utah Rules of**

47a **Professional Conduct** ~~←§~~ ;

48 (f) **establish standard contractual terms for the procurement of outside counsel, expert**

49 **witnesses, and other litigation support services** ~~§→~~ **[, subject to]** ~~←§~~ ; and

50 (g) **provide for the retention of records relating to the procurement of outside counsel,**

51 **expert witnesses, and other litigation support services.**